IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3086 OF 2005
IN
S.C. SUIT NO.2641 OF 1987

Nandkumar Shantilal Inamdar and others).. Plaintiffs

Versus

Usha Ratikant Laiwala and others).. Defendants

Mr.Madhav Jamdar for the Applicant-Defendants.

Mr.Ashish Mashru i/b.N.V.Parakh for the Plaintiffs.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 5TH DECEMBER 2005

P.C.:

. This Notice of Motion has been taken out for condoning the delay of eighteen years in filing the Written Statement by the Defendants. In support of the Notice of Motion, the Defendants appearing through their Constituted Attorney, submit that the delay has occurred due to change of Solicitors. It appears that thereafter a draft Written Statement was prepared but the Constituted Attorney met with an accident and was hospitalised and was unable to move for about one year and, therefore, the delay in filing the Written Statement.

2. Heard Advocates.

3. In my view, although a case for condonation of delay has been made out, the delay being gross, the Defendants are required to be saddled with costs.

4. Accordingly, Notice of Motion is allowed in terms of prayer clause (a) subject to payment of costs of Rs.7,500/- (Rupees Seven Thousand Five Hundred only).

5. The Written Statement filed by the Defendants to be accepted on production of a receipt indicating payment of costs.

6. Notice of Motion disposed of accordingly.